

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RASHID JIHAD,

Petitioner,

v.

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY,**

Respondent.

07-CV-4824 (WJM)

ORDER

Petitioner having been convicted of possession of a weapon by a convicted felon under 18 U.S.C. § 922(g)(1); Petitioner having now filed a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255; Petitioner arguing that his lawyer was deficient in failing to object to the introduction of the weapon underlying the offense on the basis that the police obtained it via an illegal search; Petitioner further arguing that his lawyer was deficient in failing to insist on disclosure of a 911 call from an informant that led police to Petitioner; Petitioner having filed a motion seeking discovery; the Court finding even under the facts as Petitioner alleges them no basis for concluding that the aforementioned search was illegal—as acknowledged by the Third Circuit in Petitioner’s direct appeal—particularly after Petitioner fled from what the Court finds was a lawful police stop; the Court further finding under these facts that any Government failure to disclose the 911 call was harmless since it merely confirmed the Government’s claims; the Court thus finding that discovery is unnecessary; the Court thus concluding that Petitioner’s lawyer was not deficient in failing to object to the aforementioned search or insist on disclosure of the 911 call; and good cause appearing;

IT IS on this 18th day of March 2008, hereby

ORDERED that Petitioner’s motion seeking discovery to support his Motion to Vacate, Set Aside, or Correct Sentence is **DENIED**; and it is further

ORDERED that Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence is **DENIED**.

s/ William J. Martini
William J. Martini, U.S.D.J.